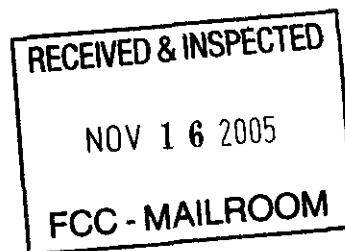


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The New York Public Library

20 West 53rd Street, 4th floor, New York, New York 10019-6185

Information Technology Group (212) 621-0219 FAX (212) 247-5848 E-Mail: ffarley@nypil.org

To: Federal Communications Commission, Office of the Secretary

Fax #: 202-418-0187

From: Fred Farley 
Universal Service Program Mgr.
Billed Entity Number: 123602

Date: 11/16/2005

Subject: CC DOCKET NO. 02-6 - REQUEST FOR REVIEW

RECEIVED & INSPECTED

NOV 16 2005

FCC - MAILROOM

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Dear Sir:

The New York Public Library under CC Docket No. 02-6 wishes to Request a Review of the denied appeal by the SLD for Funding Year 2004, Billed Entity 123602, Form 471: 406051, Funding Request: 1187458. The appeal was denied for the following reason: "37.51% of your funding request was for ineligible products."

We agree that this one part of the software is workstation client software, but under The Eligibility Rules email is eligible for funding, the rules for email only state that it be server based, this email application is server based. It does not seem reasonable to allow that email is eligible but deny access to the end user. Web access is allowed only because it is not loaded onto the CPU. The rules for email as stated earlier only require that email be server based. The lack of clarity in the wording of the eligibility of email has put us in the position of having to Request this Review of The SLD's decision. The Eligibility Rule should explicitly forbid access to email other than by the web, otherwise it is not unreasonable to assume that all components necessary to read one's email are eligible.

Attached you will find the SLD's letter of denial.

Thank you in advance for your consideration and I await your decision.

Feel free to call with any questions: 212-621-0219.

Thank you.

Number of Pages (including cover page): 3

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2004-2005

October 18, 2005

Fred Farley
New York Public Library
20 West 53rd Street, 4th Floor
New York, NY 10019-2773

RECEIVED & INSPECTED

NOV 16 2005

FCC - MAILROOM

Re: Applicant Name: NEW YORK PUBLIC LIBRARY
Billed Entity Number: 123602
Form 471 Application Number: 406051
Funding Request Number(s): 1187458
Your Correspondence Dated: January 12, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2004 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1187458
Decision on Appeal: Denied
Explanation:

- Your letter of appeal stated that the product in question, Lotus Notes Messaging User Version 5.11, is strictly email and does not include any instant messaging or other ineligible product. You also included a letter from IBM along with the appeal letter.
- Upon review of the appeal letter and all relevant facts, it is determined that IBM Lotus Notes software is workstation client software, which is deemed ineligible for discounts according to program rules.
- Your Form 471 application included costs for the following ineligible products: Lotus Notes with Messaging Module Version 5.11. FCC rules provide that

discounts may be approved only for eligible products. 47 C.F.R. §§ 54.502, 54.503. The USAC web site contains a list of eligible products. See the web site, www.sl.universalservice.org, Eligible Services List. FCC rules require that if 30% or more of an applicant's funding request includes ineligible products, the funding request must be denied. 47 C.F.R. § 54.504(c)(1). 37.51% of your funding request was for ineligible products. Therefore, your funding request was denied. You did not demonstrate in your appeal that your request included less than 30% for ineligible products. Consequently, SLD denies your appeal.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company